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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,396

11/12/2003

Nadarajah Asokan

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07/28/2008

SQUIRE, SANDERS & DEMPSEY L.L.P.

8000 TOWERS CRESCENT DRIVE

14TH FLOOR

VIENNA, VA 22182-6212

EXAMINER

D AGOSTA, STEPHEN M

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,396

Applicant(s)

ASOKAN ET AL.

Examiner

Stephen M. D'Agosta

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,6-9,13-15,17,24-27 and 32-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,24-26 and 32-38 is/are rejected.
- 7) ☒ Claim(s) 6-9, 13-15, 17 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 6-11-2008 have been fully considered but they are not persuasive.

1. The applicant argues that the prior art does not reject the claims. The examiner disagrees and must give each claim its broadest, reasonable interpretation. He notes that the term "location" is dubious since it can have different meanings when discussed within a routed network. Does the term "location" mean the routing address of another device or does it empirically mean the "geographical location"? The two words can practically be synonymous with each other since an IP Packet contains both sender's/receiver's address and said addresses can be used to determine a "routing location" for the recipient (eg. the network must know in which direction to route each packet so that it can correctly traverse the network). In looking at the prior art presented, the RFC presents all information needed to teach routing in a Mobile IP network and the differences between home/foreign networks. Hence a network must be able to authenticate a user (as in the RFC) whereby authentication is performed by at least one (or the closest) certificate authority. The examiner included Tsuda to further teach the authentication concepts (as shown in a Mobile IP-routed network including users, home/foreign agents and Authentication devices/authorities). Lee was presented to further the concept of "location" being a "geographical location" instead of a pure routing intelligence (as used by routers). Hence the examiner concludes that the prior

art does teach all the limitations of the claims, including location and certificate authorities.

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The examiner believes the bulk of the arguments attack the references individually since they do not discuss them as presented in a combined form. Clearly a large percentage of the claim(s) recite well known Mobile IP routing which uses IP Protocol, routing, home/foreign agents and authentication/certification. What the examiner believed was "missing" (or at least not well discussed) was the use of (geographic) location information and use of said location information for finding a nearby certificate authority. The RFC and Tsuda teach the underpinnings of Mobile IP and how users are authenticated, data is routed and home/foreign agents. Lee puts forth that geographical location can be used for understanding a user's location and connecting to a local/optimal network/device/authenticator – clearly Lee contemplates using the geographical location to be "...returned by the PMDNS directory server to the access network for the setup of communications", which reads on the claims.

3. Applicant argues that Tsuda (Para 186) teaches use of certificate authorities (CA) as being used in addition to AAA servers. The mere disclosure of certificate authorities being used is enough to reject the claim since any use of said CA would

inherently require the designer to include a process whereby they are used to obtain certificates, thus they could be a standalone entity or incorporated into the AAA server. While the applicant claims the CA's are separate entities, the claims do not state empirically how they can/can't be interpreted (eg. as a standalone entity that is not part of the AAA server OR authentication concept).

4. The applicant's arguments (bottom Para of page 25) are quintessential in that they fail to show certain features of applicant's invention and it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Tsuda's figure 10 clearly shows a mobile user who must contact the foreign AAA server for authentication (see how request/response goes to AAA-F #1022). The applicant's claims do not empirically state how their "process" works and does not limit (or overcome) the design as taught by Tsuda whereby the AAA-F can proxy a request for a visiting user. Until the applicant's claims empirically state that ONLY the AAA/CA server is providing the data and NO contact is made to another entity, then Tsuda clearly rejects the claim.

5. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (page 26), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made,

and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). The examiner is "confused" by the applicant's remarks that a) he is using hindsight and that b) the art teaches away from the claims. The prior art of record does not teach only "advertising messages" as being used but rather that requests are made and responded to (see at least Tsuda, figure 10 for authentication as the user roams). The prior art teaches a mobile user using Mobile IP protocol that is inherently required to contact various entities (eg. Home/Foreign agents, AAA servers, CA servers, etc) and processes are disclosed whereby the location of the user would be included to route data to nearby services.

6. Applicant's arguments regarding claims 6 and 14 are moot since these claims are "objected to as containing novel material".

7. The claim amendments made to claims 32-36 are editorial in nature and do not need to be addressed (eg. the CA server can be broadly viewed as an apparatus or processor).

8. The previous rejection is still of record and is maintained/upheld. It is not included in this office action since it would be a redundant copy/paste activity. Any/all future correspondence should refer to that rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen M. D'Agosta/
Primary Examiner, Art Unit 2617